

DEC 13 2005

Docket No. 926512-95493

CUSTOMER NO. 23644

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE THE APPLICATION OF
Berton L. Vicars

Examiner:

SERIAL NO: 10/764,902

Confirmation No.: 2637

FILED: January 26, 2004

FOR: Suction Valve

Mail Stop - Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

- ☒ **AUTHORIZATION TO PAY AND PETITION FOR THE ACCEPTANCE OF ANY NECESSARY FEES.** If any charges or fees must be paid in connection with the following Communication (including but not limited to the payment of Issue Fees), they may be paid out of our deposit account 12-0913. If this payment also requires a Petition, please construe this authorization to pay as the necessary Petition which is required to accompany this payment.
- ☐ Applicant hereby petitions for a ____-month extension and entry of this Amendment which is sent within the ____ month after the due date of _____. The payment of \$_____ to cover the ____ month extension is enclosed herewith.

**RESPONSE TO DENIAL OF PETITION TO WITHDRAW HOLDING OF
ABANDONMENT BASED ON FAILURE TO RECEIVE AN OFFICE ACTION
- OR IN THE ALTERNATIVE
PETITION TO REVIVE BASED ON UNINTENTIONAL ABANDONMENT**

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being facsimile transmitted to: Attn: Office of Petitions at facsimile number 571-273-8300 on:

Date:

December 13, 2005

By:

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DEC. 13. 2005 4:15PM

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NO. 265

P. 5

**Terminal Disclaimer To Obviate A Double
Patenting Rejection Over A Prior Patent**Docket No.
926512-95493

In Re Application Of:

BERTON L. VICARS

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/764,902	01/26/2004	Kevin L. Lee	23644		2637

Invention:

SUCTION VALVEOwner of Record: **Gardner Denver, Inc.****COMMISSIONER FOR PATENTS:**

The above-identified owner of record of a 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,695,007. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.


Signature

Dated:

12/13/05

JAMES B. CONTE

Typed or Printed Name

- ☐ Terminal disclaimer fee under 37 C.F.R. 1.20(d) included.
☐ PTO suggested wording for terminal disclaimer was unchanged.
☐ Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.